

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

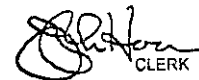
FILED

FLOYD J. HART,

CIV. 06-4174

JUN 28 2007

Plaintiff,


CLERK

vs.

ORDER

DON HOLLOWAY, Pennington County
Sheriff, in his official and individual
capacity; SHARI JACKSON, Practicing
Physician, Pennington County Jail,
in her official and unofficial capacity,

Defendants.

Plaintiff brings this prisoner civil rights action pursuant to 42 U.S.C. § 1983. The Magistrate Judge issued a Report and Recommendation recommending that the Complaint be dismissed for failure to state a claim upon which relief can be granted.

On March 26, 2007, Mr. Hart wrote the Court and asked for additional time so that he could see if he receives a response to a letter he wrote to Ken Dewell, a lawyer from Rapid City, South Dakota. Objections were due from Mr. Hart by April 3, 2007, and none has been received to-date.


After conducting an independent review of the record, the Court agrees with the Magistrate Judge. Accordingly,

IT IS ORDERED that:

1. The Report and Recommendation (Doc. 9) is ADOPTED.
2. Plaintiff's complaint is dismissed, without prejudice, for failure to state a claim upon which relief can be granted, each party to pay their own costs.

Dated this 28th day of June, 2007.

BY THE COURT:


Lawrence L. Piersol
United States District Judge

ATTEST:
JOSEPH HAAS, CLERK

By: Shelley Margulies, Deputy
(SEAL)